IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.316 OF 2005

Vishnu Rakhmaji Nagare .. Appellant
(Orig. Defendant)

Versus

1. Mahadu Ramji Nagare
and Ors. .. Respondents
(Orig.Plaintiffs)

Mr.V.Z.Kankaria for the Appellant
Mr.G.R. Agarwal for the Respondent No.1B

CORAM : S.R. SATHE,J.
DATED : 10/10/2007

P.C. :-

1. Heard learned Advocate for the Appellant.

2. Perused the papers.

3. Appellant-original defendant has filed the present Second Appeal to challenge the order passed by the D.J. Nashik in Civil Appeal No. 147 of 2003 whereby the order for declaration and injunction passed against defendant by the IInd Joint Civil Judge, J.D., Nashik was confirmed.

4. Plaintiff filed the present suit against the defendant alleging that he has got the easementary rights in respect of the suit way and defendant is obstructing in exercise of the said right. After

considering the evidence adduced by both the parties, the learned Trial Judge came to the conclusion that Plaintiff has established easementary rights in respect of the suit way and there is no other way in fact for the Plaintiff to approach his property. The First Appellate Court has confirmed the said finding of fact. The findings recorded by the Courts below are legal and correct. There is no reason to interfere with the concurrent finding of facts. The learned Advocate for the Appellant-original defendant could not point out as to how the finding recorded by the learned Trial Judge is erroneous. There is no substance in the present appeal.

Hence appeal is dismissed in limine.

(S.R.SATHE,J)